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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 09/652,607      | 08/30/2000  | Margaret Gwyn Latimer | 14377.1             | 3027             |

7590                      07/17/2002

James B Robinson  
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EXAMINER

PRATT, CHRISTOPHER C

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 1771     | 3            |

1771

3

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Mail

MF 3

|                              |                      |                |  |
|------------------------------|----------------------|----------------|--|
| <b>Office Action Summary</b> | Applicati n N .      | Applicant(s)   |  |
|                              | 09/652,607           | LATIMER ET AL. |  |
|                              | Examin r             | Art Unit       |  |
|                              | Christopher C. Pratt | 1771           |  |

-- The MAILING DATE of this communication appears on the cover sheet with the c rresp ndence address --

**Peri d f r Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 30 August 2000 .
- 2a)  This action is FINAL.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 13-16 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 13-16 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some \*    c)  None of:
  - 1.  Certified copies of the priority documents have been received.
  - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .
  - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .
- 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Periers (41117333).

Periers is concerned with the creation of a corrugated nonwoven web. Periers teaches said web to be composed of 100% fusible fibers (col. 3, line 63 and col. 8, lines 50-60). Said web corrugated to produce folds and bonded such that no gaps are present between said folds (fig. 1, col. 5, lines 35-65, and col. 6, lines 12-17).

Periers teaches said web to be bonded to a textile support (col. 7, lines 1-3 and col. 8, lines 57-59). Periers does not seem to teach the specific structure of the textile support. It would have been obvious to a person having ordinary skill in the art to utilize a nonwoven, woven, knit, tissue, or paper support. Such a modification would have been motivated by the desire to utilize the most common structures of textiles, which would provide the corrugated web with sufficient support.

Said folds of uniform height (fig. 1).

3. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Periers (4111733) in view of Huntoon et al (5906879).

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Periers does not seem to teach the use of a superabsorbent fibers or folds of non-uniform height.

Huntoon's patent is drawn to the formation of a corrugated nonwoven web. Huntoon teaches the use of superabsorbent fibers (col. 7, line 16) and folds of non-uniform height (fig. 3b). It would have been obvious to a person having ordinary skill in the art to add superabsorbent fibers and non-uniform corrugations to the web of Periers. Such a combination would have been motivated by the desire to increase the absorptive capacity of Periers web and to achieve barrier properties which would inhibit fluid flow (col. 8, lines 44-50).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chien et al (5558924) teaches elements of applicant's invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Pratt whose telephone number is 703-305-6559. The examiner can normally be reached on Monday - Friday from 7 am to 4 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Christopher C. Pratt  
July 15, 2002



CHERYL A. JUSKA  
PRIMARY EXAMINER